



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

Wednesday, April 13, 2005
9:30 a.m.

Nevada State Contractors Board
2310 Corporate Circle, Suite 200
Henderson, Nevada 89074

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices.

Commission Members Present:

Caren Jenkins, Esq., Vice Chairman; Timothy Cashman; William Flangas;
Mark Hutchison, Esq.; George Keele, Esq.

Commission Members not present,
due to their participation in the Panel Proceeding:
Rick Hsu, Esq., Chairman; Jim Kosinski, Esq.

Commission on Ethics Staff Present:

Stacy M. Jennings, Executive Director;
Nancy Lee Varnum, Esq., Commission Counsel;
Adriana G. Fralick, Esq., Legal Analyst

Parties Present:

Jared Shafer, former Clark County Public Administrator;
R. Gardner Jolley, Esq., counsel to Jared Shafer

Witnesses Present:

Don W. Ashworth; Elyse M. Tyrell, Esq.; Terry Coffing, Esq.; Terry Williams

Others Present:

Media reporters and general public

Vice Chairman Jenkins called the meeting to order at 9:37 a.m., Wednesday, April 13, 2005.

Agenda Item 1 – Open Session to approve the Minutes of March 9, 2005 Commission Meeting

A motion to approve the minutes of March 9, 2005 was put to a vote and passed unanimously.

Agenda Item 2 – Request for Opinion No. 04-01

Open Session to hear testimony, receive evidence, deliberate, and render an opinion relating to a Request for Opinion submitted pursuant to NRS 281.511(2)(b).

Vice Chairman Jenkins opened this agenda item, explaining that this is an administrative hearing and not a court of law and providing an outline of how the meeting will take place.

After excluding all witnesses from the room, Mr. Jolley provided an opening statement. At the conclusion of his opening statement, the Commission called witnesses to testify. Mr. Jolley was provided the opportunity to cross-examine each witness.

The first witness called was Jared Shafer. After examination by the Commission, the witness was released, and a lunch recess was taken at 12:10 p.m.

The meeting reconvened at 1:00 p.m.

Clark County Probate Commissioner, Don W. Ashworth was called to testify, followed by Elyse M. Tyrell, a Las Vegas attorney.

A recess was taken at 2:53 p.m., and the meeting reconvened at 3:00 p.m.

Ms. Tyrell resumed testifying, followed by Terry Coffing, an attorney with the Nursing Home Justice Center. Mr. Coffing was the final witness called by the Commission. Mr. Jolley was given the opportunity to call witnesses. Mr. Jolley declined. Vice Chairman Jenkins closed the testimony and released any witnesses under subpoena who had not been called to testify.

Vice Chairman Jenkins opened the Commission's deliberations.

After deliberating, the Commission considered the following motions:

Commissioner Hutchison moved that the Commission find that Mr. Shafer did not violate the provisions of NRS 281.481(1). Commissioner Keele seconded the motion. The motion was put to a vote and passed, four to one, with Commissioner Flangas voting no.

Commissioner Hutchison moved that the Commission find that Mr. Shafer did not violate the provisions of NRS 281.481(10) and (2), because he did not use his position or his official position to gain the advantages set forth in those statutes. Commissioner Keele seconded the motion. The motion passed four to one, with Commissioner Flangas voting no.

Commissioner Hutchison moved that the Commission find that Mr. Shafer did not violate NRS section 281.481(5) for various reasons set forth by the Commission members. Commissioner Keele seconded the motion, which was put to a vote and passed three to two, with Commissioners Flangas and Cashman voting no.

Vice Chairman Jenkins then clarified for the record that the Commission had received testimony regarding all the allegations brought against Mr. Shafer, and Mr. Shafer was found not to have violated any of the statutory sections brought forward for the Commission's consideration. Mr. Shafer was given an opportunity to make public comments, after which the agenda item was closed.

Agenda Item 3 – Open session for public comment.

Vice Chairman Jenkins opened this agenda item. No members of the public remained in the room, and no public comments were made.

Vice Chairman Jenkins adjourned the meeting at 4:28 p.m.

Minutes transcribed by:

Minutes approved July 13, 2005

Emily H. Nunez, Office Manager

Caren Jenkins, Esq., Vice Chairman